

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 326**  
**98TH GENERAL ASSEMBLY**

1643H.03C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 29.230, 49.060, 50.622, 51.090, 53.010, 54.033, 55.050, 58.040, 59.022, 67.950, 72.418, 105.030, 321.322, 473.730, and 483.020, RSMo, and to enact in lieu thereof twenty-one new sections relating to political subdivisions, with an emergency clause for certain sections.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 29.230, 49.060, 50.622, 51.090, 53.010, 54.033, 55.050, 58.040, 59.022, 67.950, 72.418, 105.030, 321.322, 473.730, and 483.020, RSMo, are repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 29.230, 49.060, 50.622, 51.090, 52.145, 53.010, 54.033, 55.050, 58.040, 59.022, 67.950, 72.418, 105.030, 204.475, 204.641, 249.495, 249.809, 249.1120, 321.322, 473.730, and 483.020, to read as follows:

29.230. 1. In every county which does not elect a county auditor, the state auditor shall audit, without cost to the county, at least once during the term for which any county officer is chosen, the accounts of the various county officers supported in whole or in part by public moneys.

2. The state auditor shall audit any political subdivision of the state, including counties having a county auditor, if requested to do so by a petition **submitted by a person who resides or owns real property within the boundaries or area of service of the political subdivision and such petition is submitted to the state auditor within one year from requesting the petition from the state auditor and is** signed by the requisite percent of the qualified voters of the political subdivision. The requisite percent of qualified voters to cause such an audit to be conducted shall be determined as follows:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 (1) If the number of qualified voters of the political subdivision determined on the basis  
13 of the votes cast in the last gubernatorial election held prior to the filing of the petition is less  
14 than one thousand, twenty-five percent of the qualified voters of the political subdivision  
15 determined on the basis of the registered voters eligible to vote at the last gubernatorial election  
16 held prior to the filing of the petition;

17 (2) If the number of qualified voters of the political subdivision determined on the basis  
18 of the votes cast in the last gubernatorial election held prior to the filing of the petition is one  
19 thousand or more but less than five thousand, fifteen percent of the qualified voters of the  
20 political subdivision determined on the basis of the votes cast in the last gubernatorial election  
21 held prior to the filing of the petition, provided that the number of qualified voters signing such  
22 petition is not less than two hundred;

23 (3) If the number of qualified voters of the political subdivision determined on the basis  
24 of the votes cast in the last gubernatorial election held prior to the filing of the petition is five  
25 thousand or more but less than fifty thousand, ten percent of the qualified voters of the political  
26 subdivision determined on the basis of the votes cast in the last gubernatorial election held prior  
27 to the filing of the petition, provided that the number of qualified voters signing such petition is  
28 not less than seven hundred fifty;

29 (4) If the number of qualified voters of the political subdivision determined on the basis  
30 of the votes cast in the last gubernatorial election held prior to the filing of the petition is fifty  
31 thousand or more, five percent of the qualified voters of the political subdivision determined on  
32 the basis of the votes cast in the last gubernatorial election held prior to the filing of the petition,  
33 provided that the number of qualified voters signing such petition is not less than five thousand.

34 **3.** The political subdivision shall pay the actual cost of audit. The petition that requests  
35 an audit of a political subdivision shall state on its face the estimated cost of the audit and that  
36 it will be paid by the political subdivision being audited. The estimated cost of the audit shall  
37 be provided by the state auditor within sixty days of such request. The costs of the audit may be  
38 billed and paid on an interim basis with individual billing periods to be set at the state auditor's  
39 discretion. Moneys held by the state on behalf of a political subdivision may be used to offset  
40 unpaid billings for audit costs of the political subdivision. All moneys received by the state in  
41 payment of the costs of petition audits shall be deposited in the state treasury and credited to the  
42 "Petition Audit Revolving Trust Fund" which is hereby created with the state treasurer as  
43 custodian. The general assembly may appropriate additional moneys to the fund as it deems  
44 necessary. The state auditor shall administer the fund and approve all disbursements, upon  
45 appropriation, from the fund to apply to the costs of performing petition audits. The provisions  
46 of section 33.080 to the contrary notwithstanding, money in the fund shall not be transferred and  
47 placed to the credit of general revenue until the amount in the fund at the end of any biennium

48 exceeds one million dollars. The amount in the fund which shall lapse is the amount which  
49 exceeds one million dollars. No political subdivision shall be audited by petition more than once  
50 in any three calendar or fiscal years.

51 **4. Any person who allegedly signed or has signed the original petition may submit**  
52 **a sworn statement to the state auditor that the person did not sign such petition or that the**  
53 **person wishes to rescind such signature. Such statement shall be required to be made**  
54 **within ten days from submission of the petition to the state auditor. If such statement is**  
55 **timely filed, such signature shall be withdrawn and shall not count in the determination**  
56 **of the number of qualified voters necessary to compel an audit under subsection 2 of this**  
57 **section.**

49.060. 1. When a vacancy shall occur in the office of a county commissioner, the  
2 vacancy shall at once be certified by the clerk of the commission to the governor[, who shall fill  
3 such vacancy with a person who resides in the district at the time the vacancy occurs, as provided  
4 by law].

5 **2. It shall be the duty of the governor to fill such vacancy no later than sixty days**  
6 **after certification by appointing, by and with the advice and consent of the senate subject**  
7 **to the provisions of article IV, section 51 of the Constitution of Missouri, some eligible**  
8 **person to said office who shall discharge the duties thereof until the next general election,**  
9 **at which time a commissioner shall be chosen for the remainder of the term, who shall hold**  
10 **such office until a successor is duly elected and qualified, unless sooner removed.**

11 **3. This section shall not apply to any county that has adopted a charter for its own**  
12 **government under article VI, section 18 of the Constitution of Missouri.**

50.622. 1. Any county may amend the annual budget during any fiscal year in which the  
2 county receives additional funds, and such amount or source, including, but not limited to,  
3 federal or state grants or private donations, could not be estimated when the budget was adopted.  
4 The county shall follow the same procedures as required in sections 50.525 to 50.745 for  
5 adoption of the annual budget to amend its budget during a fiscal year.

6 2. Any county may decrease the annual budget twice during any fiscal year in which the  
7 county experiences a verifiable decline in funds of two percent or more, and such amount could  
8 not be estimated or anticipated when the budget was adopted, provided that any decrease in  
9 appropriations shall not unduly affect any one officeholder. Before any reduction affecting an  
10 independently elected officeholder can occur, negotiations shall take place with all officeholders  
11 who receive funds from the affected category of funds in an attempt to cover the shortfall. The  
12 county shall follow the same procedures as required in sections 50.525 to 50.745 to decrease the  
13 annual budget, except that the notice provided for in section 50.600 shall be extended to thirty

14 days for purposes of this subsection. Such notice shall include a published summary of the  
15 proposed reductions and an explanation of the shortfall.

16 3. Any decrease in an appropriation authorized under subsection 2 of this section shall  
17 not impact any dedicated fund otherwise provided by law.

18 4. County commissioners may reduce budgets of departments under their direct  
19 supervision and responsibility at any time without the restrictions imposed by this section.

20 5. Subsections 2, 3, and 4 of this section shall expire on July 1, [2016] **2026**.

21 6. Notwithstanding the provisions of this section, no charter county shall be restricted  
22 from amending its budget under and pursuant to the terms of its charter.

51.090. 1. When any vacancy shall occur in the office of clerk of the county commission  
2 by death, resignation, removal, refusal to act, or otherwise, it shall be the duty of the governor  
3 to fill such vacancy by appointing, **no later than sixty days after the vacancy occurs and by**  
4 **and with the advice and consent of the senate subject to the provisions of article IV, section**  
5 **51 of the Constitution of Missouri**, some eligible person to said office, who shall discharge the  
6 duties thereof until the next general election, at which time a clerk shall be chosen for the  
7 remainder of the term, who shall hold [his] **such** office until [his] a successor is duly elected or  
8 appointed and qualified, unless sooner removed.

9 2. **This section shall not apply to any county that has adopted a charter for its own**  
10 **government under article VI, section 18 of the Constitution of Missouri.**

52.145. 1. **If any vacancy shall occur in the office of county collector of revenue by**  
2 **death, resignation, removal, refusal to act, or otherwise, it shall be the duty of the governor**  
3 **to fill such vacancy by appointing, no later than sixty days after the vacancy occurs and by**  
4 **and with the advice and consent of the senate subject to the provisions of article IV, section**  
5 **51 of the Constitution of Missouri**, some eligible person to said office, who shall discharge  
6 the duties thereof until the next general election, at which time a collector shall be chosen  
7 for the remainder of the term, who shall hold such office until a successor is duly elected  
8 and qualified, unless sooner removed.

9 2. **This section shall not apply to any county that has adopted a charter for its own**  
10 **government under article VI, section 18 of the Constitution of Missouri.**

53.010. 1. At the general election in the year 1948 and every four years thereafter the  
2 qualified voters in each county in this state shall elect a county assessor. Such county assessors  
3 shall enter upon the discharge of their duties on the first day of September next after their  
4 election, and shall hold office for a term of four years, and until their successors are elected and  
5 qualified, unless sooner removed from office; provided, that this section shall not apply to the  
6 city of St. Louis. The assessor shall be a resident of the county from which such person was  
7 elected.

8           **2. If any vacancy shall occur in the office of county assessor by death, resignation,**  
9 **removal, refusal to act, or otherwise, it shall be the duty of the governor to fill such vacancy**  
10 **by appointing, no later than sixty days after the vacancy occurs and by and with the advice**  
11 **and consent of the senate subject to the provisions of article IV, section 51 of the**  
12 **Constitution of Missouri, some eligible person to said office, who shall discharge the duties**  
13 **thereof until the next general election, at which time an assessor shall be chosen for the**  
14 **remainder of the term, who shall hold such office until a successor is duly elected and**  
15 **qualified, unless sooner removed. This subsection shall not apply to any county that has**  
16 **adopted a charter for its own government under article VI, section 18 of the Constitution**  
17 **of Missouri.**

18           [2.] **3.** The office of county assessor is created in each county having township  
19 organization and a county assessor shall be elected for each township organization county at the  
20 next general election, or at a special election called for that purpose by the governing body of  
21 such county. If a special election is called, the state and each political subdivision or special  
22 district submitting a candidate or question at such election shall pay its proportional share of the  
23 costs of the election, as provided by section 115.065. Such assessor shall assume office  
24 immediately upon his election and qualification, and shall serve until his successor is elected and  
25 qualified under the provisions of subsection 1 of this section. Laws generally applicable to  
26 county assessors, their offices, clerks, and deputies shall apply to and govern county assessors  
27 in township organization counties, and laws applicable to county assessors, their offices, clerks,  
28 and deputies in third class counties and laws applicable to county assessors, their offices, clerks,  
29 and deputies in fourth class counties shall apply to and govern county assessors, their offices,  
30 clerks, and deputies in township organization counties of the respective classes, except that when  
31 such general laws and such laws applicable to third and fourth class counties conflict with the  
32 laws specially applicable to county assessors, their offices, clerks, and deputies in township  
33 organization counties, the laws specially applicable to county assessors, their offices, clerks, and  
34 deputies in township organization counties shall govern.

54.033. In the event of a vacancy caused by death, resignation, or otherwise, in the office  
2 of county treasurer in any county except a county having a township form of government with  
3 an office of collector-treasurer and any county with a charter form of government, the county  
4 commission shall appoint a deputy treasurer or a qualified person to serve as an interim treasurer  
5 until said treasurer returns or the unexpired term is filled under section 105.030. **The governor**  
6 **shall fill a vacancy under this section no later than sixty days after such vacancy occurs by**  
7 **appointing, by and with the advice and consent of the senate subject to the provisions of**  
8 **article IV, section 51 of the Constitution of Missouri, some eligible person to said office who**  
9 **shall discharge the duties thereof until the next general election, at which time a treasurer**

10 **shall be chosen for the remainder of the term, who shall hold such office until a successor**  
11 **is duly elected and qualified, unless sooner removed.** Such individual must be eligible to  
12 serve as a county treasurer under section 54.040, and must comply with section 54.090. **This**  
13 **section shall not apply to any county that has adopted a charter for its own government**  
14 **under article VI, section 18 of the Constitution of Missouri.**

55.050. 1. At the general election in the year 1946, and every four years thereafter, a  
2 county auditor shall be elected in each county of the first class not having a charter form of  
3 government and in each county of the second class. He **or she** shall be commissioned by the  
4 governor and shall enter upon the discharge of his **or her** duties on the first Monday in January  
5 next ensuing his **or her** election. He **or she** shall hold his **or her** office for the term of four years  
6 and until his **or her** successor is duly elected and qualified, unless he **or she** is sooner removed  
7 from office.

8 2. If a vacancy occurs in the office by death, resignation, removal, refusal to act, or  
9 otherwise, the governor shall fill the vacancy, **no later than sixty days after it occurs,** by  
10 appointing some eligible person to the office, **by and with the advice and consent of the senate**  
11 **subject to the provisions of article IV, section 51 of the Constitution of Missouri,** who shall  
12 discharge the duties thereof until the next general election, at which time an auditor shall be  
13 chosen for the remainder of the term, who shall hold [his] **such** office until [his] a successor is  
14 duly elected and qualified, unless sooner removed. **This subsection shall not apply to any**  
15 **county that has adopted a charter for its own government under article VI, section 18 of**  
16 **the Constitution of Missouri.**

58.040. When any vacancy shall occur in the office of coroner by death, resignation,  
2 removal, refusal to act, or in any other manner, it shall be the duty of the governor to fill such  
3 vacancy, **no later than sixty days after its occurrence,** by appointing some eligible person to  
4 such office **by and with the advice and consent of the senate subject to the provisions of**  
5 **article IV, section 51 of the Constitution of Missouri.** The person so appointed shall take the  
6 oath, give bond and otherwise qualify for the office as required of coroners regularly elected, and  
7 shall discharge the duties of such office for the remainder of the term for which he is appointed.  
8 **This section shall not apply to any county that has adopted a charter for its own**  
9 **government under article VI, section 18 of the Constitution of Missouri.**

59.022. In the event of a vacancy caused by death or resignation in the office of county  
2 recorder where the offices of the clerk of the court and recorder of deeds are separate, except in  
3 any city not within a county or any county with a charter form of government, the county  
4 commission shall appoint a deputy recorder or a qualified person to serve as an interim recorder  
5 of deeds until the unexpired term is filled under section 105.030. **It shall be the duty of the**  
6 **governor to fill such vacancy, no later than sixty days after its occurrence, by appointing,**

7 by and with the advice and consent of the senate subject to the provisions of article IV,  
8 section 51 of the Constitution of Missouri, some eligible person to said office who shall  
9 discharge the duties thereof until the next general election, at which time a recorder shall  
10 be chosen for the remainder of the term, who shall hold such office until a successor is duly  
11 elected and qualified, unless sooner removed. This section shall not apply to any county  
12 that has adopted a charter for its own government under article VI, section 18 of the  
13 Constitution of Missouri.

67.950. [Any special purpose district formed under the provisions of a statute of this state  
2 requiring approval by the voters of the district, and for which no specific procedure is provided  
3 to terminate or dissolve such a district, may be dissolved in the following manner:

4 (1) Upon the filing with the governing body of the district of a petition containing the  
5 signatures of eight percent or more of the voters of the district or upon the motion of a majority  
6 of the members of the governing body it shall submit the question to the voters in the district  
7 using the same procedure and in the same manner so far as practicable as is provided for the  
8 submission of the question for forming the district.

9 (2) The question shall be submitted in substantially the following form:

10 Shall the ..... district be dissolved?

11 (3) If the question receives a majority of the votes cast the district shall be dissolved for  
12 all purposes except the payment of outstanding bonded indebtedness, if any.] **1. A petition**  
13 **describing the boundaries of the district sought to be dissolved shall be filed with the clerk**  
14 **of the circuit court of the county wherein the subject district is situate or with the clerk of**  
15 **the circuit court of the county having the largest acreage within the boundaries of the**  
16 **subject district in the event that the subject district embraces lands in more than one**  
17 **county. Such petition, in addition to such boundary description, shall allege that further**  
18 **operation of the subject district is inimicable to the best interests of the inhabitants of the**  
19 **district; that the district should, in the interest of the public welfare and safety, be**  
20 **dissolved; and such other information as may be useful to the court in determining whether**  
21 **the petition should be granted and a decree of dissolution entered. Such petition shall also**  
22 **include a detailed plan for payment of all debt and obligations of the district at the time of**  
23 **dissolution. Such petition shall be accompanied by a cash deposit of fifty dollars as an**  
24 **advancement of the costs of the proceeding, and the petition shall be signed by eight**  
25 **percent or more of the voters of the district. The petition shall be verified by at least one**  
26 **of the signers thereof and shall be served upon the governing board of the district. The**  
27 **district shall be a party, and if the governing board in its discretion determines that such**  
28 **dissolution is not in the public interest, the district shall oppose such petition and pay all**  
29 **cost and expense thereof.**

30           **2. Upon the filing of the petition, the same shall be presented to the circuit court,**  
31 **and such court shall fix a date for a hearing on such petition. Thereupon, the clerk of the**  
32 **court shall give notice of the filing of the petition in a newspaper of general circulation in**  
33 **the county in which the proceedings are pending, and if the district extends into any other**  
34 **county or counties, such notice shall also be published in a newspaper of general**  
35 **circulation in such other county or counties. The notice shall contain a description of the**  
36 **subject boundary lines of the district and the general purposes of the petition, and shall set**  
37 **forth the date fixed for the hearing on the petition, which shall not be less than seven nor**  
38 **more than twenty-one days after the date of the last publication of the notice and shall be**  
39 **on some regular judicial day of the court wherein the petition is pending. Such notice shall**  
40 **be signed by the clerk of the circuit court and shall be published in three successive issues**  
41 **of a weekly newspaper or in twenty successive issues of a daily newspaper.**

42           **3. The court, for good cause shown, may continue the case of the hearing thereon**  
43 **from time to time until final disposition thereof.**

44           **4. Exceptions to the dissolution of a district may be made by any voter or**  
45 **landowner of the district and by the district as herein provided. Such exceptions shall be**  
46 **filed not less than five days prior to the date set for the hearing on the petition. Such**  
47 **exceptions shall specify the grounds upon which the exceptions are filed and the court shall**  
48 **take them into consideration in passing upon the petition and shall also consider the**  
49 **evidence in support of the petition and in support of the exceptions made. Unless**  
50 **petitioners prove that all debts and financial obligations of the district can be paid in full**  
51 **upon dissolution, the petition shall be dismissed at the costs of the petitioners.**

52           **5. Should the court find that it would not be in the public's best interest to dissolve**  
53 **a district, the petition shall be dismissed at the costs of the petitioners. If, however, the**  
54 **court should find in favor of the petitioners, the court shall enter its interlocutory decree**  
55 **of dissolution. Such decree shall provide for the submission of the question to the voters**  
56 **of the district in substantially the following form:**

57           **Shall the ..... District be dissolved?**

58           **6. The decree of dissolution shall not become final and conclusive until it shall have**  
59 **been submitted to the voters residing within the boundaries described in such decree and**  
60 **until it shall have been assented to by a majority of the votes cast. The decree shall provide**  
61 **for the submission of the question and shall fix the date thereof. The returns shall be**  
62 **certified by the election authority to the circuit court having jurisdiction in the case, and**  
63 **the court shall thereupon enter its order canvassing the returns and declaring the result**  
64 **of such election.**

65           **7. If, upon canvass and declaration, it is found and determined that the question**  
66 **shall have been assented to by a majority of the votes cast on such proposition, then the**  
67 **court shall, in such order declaring the result of the election, enter a further order**  
68 **declaring the decree of dissolution to be final and conclusive. In the event, however, that**  
69 **the court should find that the question has not been assented to by a majority of the votes**  
70 **cast, the court shall enter a further order declaring such decree of dissolution to be void**  
71 **and of no effect. No appeal shall lie from any of the aforesaid orders. In the event that the**  
72 **court declares the decree of dissolution to be final, as provided in this section, the clerk of**  
73 **the circuit court shall file certified copies of such decree of dissolution and of such final**  
74 **order with the secretary of the state of the state of Missouri, with the recorder of deeds of**  
75 **the county or counties in which the district is situate, and with the clerk of the county**  
76 **commission of the county or counties in which the district is situate.**

77           **8. Notwithstanding anything in this section to the contrary, no district shall be**  
78 **dissolved until all of its debts shall have been paid, and the court, in its decree of**  
79 **dissolution, shall provide for the disposition of the remaining property of the district.**

72.418. 1. Notwithstanding any other provision of law to the contrary, no new city  
2 created pursuant to sections 72.400 to 72.423 shall establish a municipal fire department to  
3 provide fire protection services, including emergency medical services, if such city formerly  
4 consisted of unincorporated areas in the county or municipalities in the county, or both, which  
5 are provided fire protection services and emergency medical services by one or more fire  
6 protection districts. Such fire protection districts shall continue to provide services to the area  
7 comprising the new city and may levy and collect taxes the same as such districts had prior to  
8 the creation of such new city.

9           2. Fire protection districts serving the area included within any annexation by a city  
10 having a fire department, including simplified boundary changes, shall continue to provide fire  
11 protection services, including emergency medical services to such area.

12           **3. Notwithstanding any other provision of law to the contrary, beginning January**  
13 **1, 2016, any fire protection districts serving the area included within any annexation by a**  
14 **city having a fire department, including simplified boundary changes, which annexation**  
15 **is not completed by August 28, 2015, shall continue to levy and collect taxes the same as**  
16 **such districts had prior to the annexation. The annexing city shall not levy or collect any**  
17 **property taxes on the annexed property relating to fire protection and emergency medical**  
18 **services.**

19           **4. Notwithstanding any other provision of law to the contrary, for any fire**  
20 **protection districts serving the area included within any annexation by a city having a fire**

21 **department, including simplified boundary changes, which annexation has been completed**  
22 **by August 28, 2015:**

23 **(1) Beginning January 1, 2016:**

24 **(a)** The annexing city shall pay annually to the fire protection district an amount equal  
25 to **eighty percent of** that which the fire protection district would have levied on all taxable  
26 property within the annexed area. [Such annexed area shall not be subject to taxation for any  
27 purpose thereafter by the fire protection district except for bonded indebtedness by the fire  
28 protection district which existed prior to the annexation.] The amount to be paid annually by the  
29 municipality to the fire protection district pursuant hereto shall be **eighty percent of [a] the** sum  
30 equal to the annual assessed value multiplied by the annual tax rate as certified by the fire  
31 protection district to the municipality, including any portion of the tax created for emergency  
32 medical service provided by the district, per one hundred dollars of assessed value in such area.  
33 The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to  
34 such annexation, but shall not include any portion of the tax rate for bonded indebtedness  
35 incurred prior to such annexation. **The annexing city shall not levy or collect any property**  
36 **taxes on the annexed property relating to fire protection and emergency medical services.**

37 **(b)** The annexed area shall be subject to taxation by the fire protection district for  
38 **twenty percent of the sum equal to the annual assessed value multiplied by the annual tax**  
39 **rate as certified by the fire protection district to the municipality, including any portion**  
40 **of the tax created for emergency medical service provided by the district, per one hundred**  
41 **dollars of assessed value in such area. The tax rate so computed shall include any tax on**  
42 **bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed**  
43 **area shall be subject to taxation by the fire protection district for bonded indebtedness by**  
44 **the fire protection district which existed prior to the annexation.**

45 **(2) Beginning January 1, 2017:**

46 **(a)** The annexing city shall pay annually to the fire protection district an amount  
47 equal to sixty percent of that which the fire protection district would have levied on all  
48 taxable property within the annexed area. The amount to be paid annually by the  
49 municipality to the fire protection district pursuant hereto shall be sixty percent of the sum  
50 equal to the annual assessed value multiplied by the annual tax rate as certified by the fire  
51 protection district to the municipality, including any portion of the tax created for  
52 emergency medical service provided by the district, per one hundred dollars of assessed  
53 value in such area. The tax rate so computed shall include any tax on bonded indebtedness  
54 incurred subsequent to such annexation, but shall not include any portion of the tax rate  
55 for bonded indebtedness incurred prior to such annexation. The annexing city shall not

56 levy or collect any property taxes on the annexed property relating to fire protection and  
57 emergency medical services.

58 (b) The annexed area shall be subject to taxation by the fire protection district for  
59 forty percent of the sum equal to the annual assessed value multiplied by the annual tax  
60 rate as certified by the fire protection district to the municipality, including any portion  
61 of the tax created for emergency medical service provided by the district, per one hundred  
62 dollars of assessed value in such area. The tax rate so computed shall include any tax on  
63 bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed  
64 area shall be subject to taxation by the fire protection district for bonded indebtedness by  
65 the fire protection district which existed prior to the annexation.

66 (3) Beginning January 1, 2018:

67 (a) The annexing city shall pay annually to the fire protection district an amount  
68 equal to forty percent of that which the fire protection district would have levied on all  
69 taxable property within the annexed area. The amount to be paid annually by the  
70 municipality to the fire protection district pursuant hereto shall be forty percent of the sum  
71 equal to the annual assessed value multiplied by the annual tax rate as certified by the fire  
72 protection district to the municipality, including any portion of the tax created for  
73 emergency medical service provided by the district, per one hundred dollars of assessed  
74 value in such area. The tax rate so computed shall include any tax on bonded indebtedness  
75 incurred subsequent to such annexation, but shall not include any portion of the tax rate  
76 for bonded indebtedness incurred prior to such annexation. The annexing city shall not  
77 levy or collect any property taxes on the annexed property relating to fire protection and  
78 emergency medical services.

79 (b) The annexed area shall be subject to taxation by the fire protection district for  
80 sixty percent of the sum equal to the annual assessed value multiplied by the annual tax  
81 rate as certified by the fire protection district to the municipality, including any portion  
82 of the tax created for emergency medical service provided by the district, per one hundred  
83 dollars of assessed value in such area. The tax rate so computed shall include any tax on  
84 bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed  
85 area shall be subject to taxation by the fire protection district for bonded indebtedness by  
86 the fire protection district which existed prior to the annexation.

87 (4) Beginning January 1, 2019:

88 (a) The annexing city shall pay annually to the fire protection district an amount  
89 equal to twenty percent of that which the fire protection district would have levied on all  
90 taxable property within the annexed area. The amount to be paid annually by the  
91 municipality to the fire protection district pursuant hereto shall be twenty percent of the

92 **sum equal to the annual assessed value multiplied by the annual tax rate as certified by the**  
93 **fire protection district to the municipality, including any portion of the tax created for**  
94 **emergency medical service provided by the district, per one hundred dollars of assessed**  
95 **value in such area. The tax rate so computed shall include any tax on bonded indebtedness**  
96 **incurred subsequent to such annexation, but shall not include any portion of the tax rate**  
97 **for bonded indebtedness incurred prior to such annexation. The annexing city shall not**  
98 **levy or collect any property taxes on the annexed property relating to fire protection and**  
99 **emergency medical services.**

100 **(b) The annexed area shall be subject to taxation by the fire protection district for**  
101 **eighty percent of the sum equal to the annual assessed value multiplied by the annual tax**  
102 **rate as certified by the fire protection district to the municipality, including any portion**  
103 **of the tax created for emergency medical service provided by the district, per one hundred**  
104 **dollars of assessed value in such area. The tax rate so computed shall include any tax on**  
105 **bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed**  
106 **area shall be subject to taxation by the fire protection district for bonded indebtedness by**  
107 **the fire protection district which existed prior to the annexation.**

108 **(5) Beginning January 1, 2020, and thereafter, the annexed area shall be subject to**  
109 **taxation by the fire protection district for all taxes levied, including bonded indebtedness**  
110 **prior to and after annexation. The annexing city shall not levy or collect any property**  
111 **taxes on the annexed property relating to fire protection and emergency medical services.**

112 **5.** Notwithstanding any other provision of law to the contrary, the residents of an area  
113 annexed on or after May 26, 1994, may vote in all fire protection district elections and may be  
114 elected to the fire protection district board of directors.

115 **[3.] 6.** The fire protection district may approve or reject any proposal for the provision  
116 of fire protection and emergency medical services by a city.

**105.030. Except as specifically provided otherwise,** whenever any vacancy, caused in  
2 any manner or by any means whatsoever, occurs or exists in any state or county office originally  
3 filled by election of the people, other than in the offices of lieutenant governor, state senator or  
4 representative, sheriff, or recorder of deeds in the city of St. Louis, the vacancy shall be filled by  
5 appointment by the governor except that when a vacancy occurs in the office of county assessor  
6 after a general election at which a person other than the incumbent has been elected, the person  
7 so elected shall be appointed to fill the remainder of the unexpired term; and the person  
8 appointed after duly qualifying and entering upon the discharge of his duties under the  
9 appointment shall continue in office until the first Monday in January next following the first  
10 ensuing general election, at which general election a person shall be elected to fill the unexpired  
11 portion of the term, or for the ensuing regular term, as the case may be, and the person so elected

12 shall enter upon the discharge of the duties of the office the first Monday in January next  
13 following his election, except that when the term to be filled begins on any day other than the  
14 first Monday in January, the appointee of the governor shall be entitled to hold the office until  
15 such other date. This section shall not apply to vacancies in county offices in any county which  
16 has adopted a charter for its own government under section 18, article VI of the Constitution of  
17 **Missouri**. Any vacancy in the office of recorder of deeds in the city of St. Louis shall be filled  
18 by appointment by the mayor of that city.

**204.475. 1. In any common sewer district organized under sections 204.250 to  
2 204.472, territory included in the district that is not being served by the district may be  
3 detached from the district provided that there are no outstanding general obligation or  
4 special obligation bonds and no contractual obligations of greater than twenty-five  
5 thousand dollars for debt that pertains to infrastructure, fixed assets, or obligations for the  
6 purchase of water. If any such bonds or debt is outstanding, and the written consent of the  
7 holders of such bonds or the creditors to such debt is obtained, then such territory may be  
8 detached in spite of the existence of such bonds or debt, except such consent shall not be  
9 required for special obligation bonds if the district has no water or sewer lines or other  
10 facilities located within any of the territory detached. Detachment may be made by the  
11 filing of a petition with the circuit court in which the district was incorporated. The  
12 petition shall contain a description of the tract to be detached and a statement that the  
13 detachment is in the best interest of the district or the inhabitants and property owners of  
14 the territory to be detached, together with the facts supporting such allegation. The  
15 petition may be submitted by the district acting through its board of directors, in which  
16 case the petition shall be signed by a majority of the board of directors of the district. The  
17 petition may also be submitted by voters residing in or by landowners owning land in the  
18 territory sought to be detached. If there are more than ten voters and landowners in such  
19 territory, the petition shall be signed by five or more voters or landowners within the  
20 territory; if there are less than ten voters and landowners within such territory, the petition  
21 shall be signed by fifty percent or more of the voters and landowners within the territory.  
22 In the event there are no voters living within such territory proposed to be detached, then  
23 the petition may be submitted by owners of more than fifty percent of the land in the  
24 territory proposed to be detached, in which case said petition shall be signed by the owners  
25 submitting the petition. In the event the petition is not submitted by the district acting  
26 through its board of directors, the petitioner shall name the district as a defendant and  
27 serve a copy of the petition upon the district by certified or registered mail with a return  
28 receipt requested at least thirty-five days before the date of the hearing of the petition.**

29           **2. Such petition shall be filed in the circuit court having jurisdiction and the court**  
 30 **shall set a date for hearing on the proposed detachment and the clerk of the circuit court**  
 31 **shall give notice of the filing of the petition and the hearing to the district by certified or**  
 32 **registered mail with a return receipt requested if the district is not the petitioner, and in**  
 33 **a newspaper of general circulation in the county in which the proceedings are pending and**  
 34 **in a newspaper of general circulation in the territory proposed to be detached. Such notice**  
 35 **shall be published in three consecutive issues of a weekly newspaper, or in lieu thereof, in**  
 36 **twenty consecutive issues of a daily newspaper. The last insertion of the notice shall be**  
 37 **made not less than seven nor more than twenty-one days before the hearing date. Such**  
 38 **notice shall be substantially as follows:**

39  
 40 **IN THE CIRCUIT COURT OF .....COUNTY, MISSOURI**  
 41 **NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT**  
 42 **FROM COMMON SEWER DISTRICT ..... OF ..... COUNTY, MISSOURI.**

44           **To all voters and landowners of land within the boundaries of the above-described**  
 45 **district:**

46           **You are hereby notified:**

47           **1. That a petition has been filed in this court for the detachment of the following**  
 48 **tracts of land from the above-named common sewer district, as provided by law: (Describe**  
 49 **tracts of land).**

50           **2. That a hearing on said petition will be held before this court in ..... on the ..... day**  
 51 **of ....., 20 .., at .., ..m.**

52           **3. Exceptions or objections to the detachment of said tracts from said common**  
 53 **sewer district may be made by the district or any voter or landowner of land within the**  
 54 **district from which territory is sought to be detached, provided such exceptions or**  
 55 **objections are in writing, specify the grounds on which they are made, and are filed with**  
 56 **the court not later than five days prior to the date of the hearing of the petition.**

57           **4. The names and addresses of the attorneys for the petitioner are:**  
 58 .....  
 59 **Clerk of the Circuit Court of**  
 60 **..... County, Missouri**

62           **3. The court, for good cause shown, may continue the case or the hearing thereon**  
 63 **from time to time until final disposition thereof.**

64           **4. Exceptions or objections to the detachment of such territory may be made by any**  
65 **voter or landowner within the boundaries of the district, including the territory to be**  
66 **detached. In the event the petition is not submitted by the district acting through its board**  
67 **of directors, the district may file exceptions or objections. Exceptions or objections shall**  
68 **be in writing, shall specify the grounds upon which they are made, and shall be filed not**  
69 **later than five days before the date set for hearing the petition. In considering the petition**  
70 **for detachment, the court shall take into consideration the evidence in support of and**  
71 **opposition to the petition, including such exceptions and objections. If the court finds that**  
72 **the detachment will be in the best interest of the district and the inhabitants and**  
73 **landowners of the area to be detached will not be adversely affected or if the court finds**  
74 **that the detachment will be in the best interest of the inhabitants and landowners of the**  
75 **territory to be detached and will not adversely affect the remainder of the district, it shall**  
76 **approve the detachment and grant the petition.**

77           **5. If the court approves the detachment, it shall make its order detaching the**  
78 **territory described in the petition from the remainder of the district, or in the event it shall**  
79 **find that only a portion of said territory should be detached, the court shall order such**  
80 **portion detached from the district. The court shall also make any changes in subdistrict**  
81 **boundary lines it deems necessary to meet the requirements of sections 204.250 to 204.472.**  
82 **Any subdistrict line changes shall not become effective until the next annual election of a**  
83 **member of the board of directors.**

84           **6. A certified copy of the court's order shall be filed in the office of the recorder of**  
85 **deeds and in the office of the county clerk in each county in which any of the territory of**  
86 **the district prior to detachment is located, and in the office of the secretary of state. Costs**  
87 **of the proceeding shall be borne by the petitioner or petitioners.**

**204.641. 1. In any reorganized common sewer district organized under sections**  
2 **204.600 to 204.640, territory included in the district that is not being served by the district**  
3 **may be detached from the district provided that there are no outstanding general**  
4 **obligation or special obligation bonds and no contractual obligations of greater than**  
5 **twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets, or**  
6 **obligations for the purchase of water. If any such bonds or debt is outstanding, and the**  
7 **written consent of the holders of such bonds or the creditors to such debt is obtained, then**  
8 **such territory may be detached in spite of the existence of such bonds or debt, except such**  
9 **consent shall not be required for special obligation bonds if the district has no water or**  
10 **sewer lines or other facilities located within any of the territory detached. Detachment may**  
11 **be made by the filing of a petition with the circuit court in which the district was**  
12 **incorporated. The petition shall contain a description of the tract to be detached and a**

13 **statement that the detachment is in the best interest of the district or the inhabitants and**  
 14 **property owners of the territory to be detached, together with the facts supporting such**  
 15 **allegation. The petition may be submitted by the district acting through its board of**  
 16 **directors, in which case the petition shall be signed by a majority of the board of directors**  
 17 **of the district. The petition may also be submitted by voters residing in or by landowners**  
 18 **owning land in the territory sought to be detached. If there are more than ten voters and**  
 19 **landowners in such territory, the petition shall be signed by five or more voters or**  
 20 **landowners within the territory; if there are less than ten voters and landowners within**  
 21 **such territory, the petition shall be signed by fifty percent or more of the voters and**  
 22 **landowners within the territory. In the event there are no voters living within such**  
 23 **territory proposed to be detached, then the petition may be submitted by owners of more**  
 24 **than fifty percent of the land in the territory proposed to be detached, in which case said**  
 25 **petition shall be signed by the owners submitting the petition. In the event the petition is**  
 26 **not submitted by the district acting through its board of directors, the petitioner shall name**  
 27 **the district as a defendant and serve a copy of the petition upon the district by certified or**  
 28 **registered mail with a return receipt requested at least thirty-five days before the date of**  
 29 **the hearing of the petition.**

30 **2. Such petition shall be filed in the circuit court having jurisdiction and the court**  
 31 **shall set a date for hearing on the proposed detachment and the clerk of the circuit court**  
 32 **shall give notice of the filing of the petition and the hearing to the district by certified or**  
 33 **registered mail with a return receipt requested if the district is not the petitioner, and in**  
 34 **a newspaper of general circulation in the county in which the proceedings are pending and**  
 35 **in a newspaper of general circulation in the territory proposed to be detached. Such notice**  
 36 **shall be published in three consecutive issues of a weekly newspaper, or in lieu thereof, in**  
 37 **twenty consecutive issues of a daily newspaper. The last insertion of the notice shall be**  
 38 **made not less than seven nor more than twenty-one days before the hearing date. Such**  
 39 **notice shall be substantially as follows:**

40

41 **IN THE CIRCUIT COURT OF .....COUNTY, MISSOURI**  
 42 **NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT**  
 43 **FROM REORGANIZED COMMON SEWER DISTRICT ..... OF ..... COUNTY,**  
 44 **MISSOURI.**

45 **To all voters and landowners of land within the boundaries of the above-described**  
 46 **district:**

47 **You are hereby notified:**

48           **1. That a petition has been filed in this court for the detachment of the following**  
49 **tracts of land from the above-named reorganized common sewer district, as provided by**  
50 **law: (Describe tracts of land).**

51           **2. That a hearing on said petition will be held before this court in ..... on the ..... day**  
52 **of ....., 20 .., at .., ...m.**

53           **3. Exceptions or objections to the detachment of said tracts from said reorganized**  
54 **common sewer district may be made by the district or any voter or landowner of land**  
55 **within the district from which territory is sought to be detached, provided such exceptions**  
56 **or objections are in writing, specify the grounds on which they are made, and are filed with**  
57 **the court not later than five days prior to the date of the hearing of the petition.**

58           **4. The names and addresses of the attorneys for the petitioner are:**

59           .....

60           **Clerk of the Circuit Court of**

61           ..... **County, Missouri**

62

63           **3. The court, for good cause shown, may continue the case or the hearing thereon**  
64 **from time to time until final disposition thereof.**

65           **4. Exceptions or objections to the detachment of such territory may be made by any**  
66 **voter or landowner within the boundaries of the district, including the territory to be**  
67 **detached. In the event the petition is not submitted by the district acting through its board**  
68 **of directors, the district may file exceptions or objections. Exceptions or objections shall**  
69 **be in writing, shall specify the grounds upon which they are made, and shall be filed not**  
70 **later than five days before the date set for hearing the petition. In considering the petition**  
71 **for detachment, the court shall take into consideration the evidence in support of and**  
72 **opposition to the petition, including such exceptions and objections. If the court finds that**  
73 **the detachment will be in the best interest of the district and the inhabitants and**  
74 **landowners of the area to be detached will not be adversely affected or if the court finds**  
75 **that the detachment will be in the best interest of the inhabitants and landowners of the**  
76 **territory to be detached and will not adversely affect the remainder of the district, it shall**  
77 **approve the detachment and grant the petition.**

78           **5. If the court approves the detachment, it shall make its order detaching the**  
79 **territory described in the petition from the remainder of the district, or in the event it shall**  
80 **find that only a portion of said territory should be detached, the court shall order such**  
81 **portion detached from the district. The court shall also make any changes in subdistrict**  
82 **boundary lines it deems necessary to meet the requirements of sections 204.600 to 204.640.**

83 Any subdistrict line changes shall not become effective until the next annual election of a  
84 member of the board of directors.

85 6. A certified copy of the court's order shall be filed in the office of the recorder of  
86 deeds and in the office of the county clerk in each county in which any of the territory of  
87 the district prior to detachment is located, and in the office of the secretary of state. Costs  
88 of the proceeding shall be borne by the petitioner or petitioners.

249.495. 1. In any sewer district organized under sections 249.430 to 249.663,  
2 territory included in the district that is not being served by the district may be detached  
3 from the district provided that there are no outstanding general obligation or special  
4 obligation bonds and no contractual obligations of greater than twenty-five thousand  
5 dollars for debt that pertains to infrastructure, fixed assets, or obligations for the purchase  
6 of water. If any such bonds or debt is outstanding, and the written consent of the holders  
7 of such bonds or the creditors to such debt is obtained, then such territory may be detached  
8 in spite of the existence of such bonds or debt, except such consent shall not be required  
9 for special obligation bonds if the district has no water or sewer lines or other facilities  
10 located within any of the territory detached. Detachment may be made by the filing of a  
11 petition with the circuit court in which the district was incorporated. The petition shall  
12 contain a description of the tract to be detached and a statement that the detachment is in  
13 the best interest of the district or the inhabitants and property owners of the territory to  
14 be detached, together with the facts supporting such allegation. The petition may be  
15 submitted by the district acting through its board of directors, in which case the petition  
16 shall be signed by a majority of the board of directors of the district. The petition may also  
17 be submitted by voters residing in or by landowners owning land in the territory sought  
18 to be detached. If there are more than ten voters and landowners in such territory, the  
19 petition shall be signed by five or more voters or landowners within the territory; if there  
20 are less than ten voters and landowners within such territory, the petition shall be signed  
21 by fifty percent or more of the voters and landowners within the territory. In the event  
22 there are no voters living within such territory proposed to be detached, then the petition  
23 may be submitted by owners of more than fifty percent of the land in the territory  
24 proposed to be detached, in which case said petition shall be signed by the owners  
25 submitting the petition. In the event the petition is not submitted by the district acting  
26 through its board of directors, the petitioner shall name the district as a defendant and  
27 serve a copy of the petition upon the district by certified or registered mail with a return  
28 receipt requested at least thirty-five days before the date of the hearing of the petition.

29 2. Such petition shall be filed in the circuit court having jurisdiction and the court  
30 shall set a date for hearing on the proposed detachment and the clerk of the circuit court

31 shall give notice of the filing of the petition and the hearing to the district by certified or  
 32 registered mail with a return receipt requested if the district is not the petitioner, and in  
 33 a newspaper of general circulation in the county in which the proceedings are pending and  
 34 in a newspaper of general circulation in the territory proposed to be detached. Such notice  
 35 shall be published in three consecutive issues of a weekly newspaper, or in lieu thereof, in  
 36 twenty consecutive issues of a daily newspaper. The last insertion of the notice shall be  
 37 made not less than seven nor more than twenty-one days before the hearing date. Such  
 38 notice shall be substantially as follows:

39

40 **IN THE CIRCUIT COURT OF .....COUNTY, MISSOURI**  
 41 **NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT**  
 42 **FROM SEWER DISTRICT ..... OF ..... COUNTY, MISSOURI.**

43 **To all voters and landowners of land within the boundaries of the above-described**  
 44 **district:**

45 **You are hereby notified:**

46 **1. That a petition has been filed in this court for the detachment of the following**  
 47 **tracts of land from the above-named sewer district, as provided by law: (Describe tracts**  
 48 **of land).**

49 **2. That a hearing on said petition will be held before this court in ..... on the ..... day**  
 50 **of ....., 20 ..., at ....., ...m.**

51 **3. Exceptions or objections to the detachment of said tracts from said sewer district**  
 52 **may be made by the district or any voter or landowner of land within the district from**  
 53 **which territory is sought to be detached, provided such exceptions or objections are in**  
 54 **writing, specify the grounds on which they are made, and are filed with the court not later**  
 55 **than five days prior to the date of the hearing of the petition.**

56 **4. The names and addresses of the attorneys for the petitioner are:**

57 .....

58 **Clerk of the Circuit Court of**

59 **..... County, Missouri**

60

61 **3. The court, for good cause shown, may continue the case or the hearing thereon**  
 62 **from time to time until final disposition thereof.**

63 **4. Exceptions or objections to the detachment of such territory may be made by any**  
 64 **voter or landowner within the boundaries of the district, including the territory to be**  
 65 **detached. In the event the petition is not submitted by the district acting through its board**  
 66 **of directors, the district may file exceptions or objections. Exceptions or objections shall**

67 be in writing, shall specify the grounds upon which they are made, and shall be filed not  
68 later than five days before the date set for hearing the petition. In considering the petition  
69 for detachment, the court shall take into consideration the evidence in support of and  
70 opposition to the petition, including such exceptions and objections. If the court finds that  
71 the detachment will be in the best interest of the district and the inhabitants and  
72 landowners of the area to be detached will not be adversely affected or if the court finds  
73 that the detachment will be in the best interest of the inhabitants and landowners of the  
74 territory to be detached and will not adversely affect the remainder of the district, it shall  
75 approve the detachment and grant the petition.

76 **5. If the court approves the detachment, it shall make its order detaching the**  
77 **territory described in the petition from the remainder of the district, or in the event it shall**  
78 **find that only a portion of said territory should be detached, the court shall order such**  
79 **portion detached from the district. The court shall also make any changes in subdistrict**  
80 **boundary lines it deems necessary to meet the requirements of sections 249.430 to 249.663.**  
81 **Any subdistrict line changes shall not become effective until the next annual election of a**  
82 **member of the board of directors.**

83 **6. A certified copy of the court's order shall be filed in the office of the recorder of**  
84 **deeds and in the office of the county clerk in each county in which any of the territory of**  
85 **the district prior to detachment is located, and in the office of the secretary of state. Costs**  
86 **of the proceeding shall be borne by the petitioner or petitioners.**

**249.809. 1. In any sewer district organized under sections 249.761 to 249.810,**  
2 **territory included in the district that is not being served by the district may be detached**  
3 **from the district provided that there are no outstanding general obligation or special**  
4 **obligation bonds and no contractual obligations of greater than twenty-five thousand**  
5 **dollars for debt that pertains to infrastructure, fixed assets, or obligations for the purchase**  
6 **of water. If any such bonds or debt is outstanding, and the written consent of the holders**  
7 **of such bonds or the creditors to such debt is obtained, then such territory may be detached**  
8 **in spite of the existence of such bonds or debt, except such consent shall not be required**  
9 **for special obligation bonds if the district has no water or sewer lines or other facilities**  
10 **located within any of the territory detached. Detachment may be made by the filing of a**  
11 **petition with the circuit court in which the district was incorporated. The petition shall**  
12 **contain a description of the tract to be detached and a statement that the detachment is in**  
13 **the best interest of the district or the inhabitants and property owners of the territory to**  
14 **be detached, together with the facts supporting such allegation. The petition may be**  
15 **submitted by the district acting through its board of directors, in which case the petition**  
16 **shall be signed by a majority of the board of directors of the district. The petition may also**

17 be submitted by voters residing in or by landowners owning land in the territory sought  
 18 to be detached. If there are more than ten voters and landowners in such territory, the  
 19 petition shall be signed by five or more voters or landowners within the territory; if there  
 20 are less than ten voters and landowners within such territory, the petition shall be signed  
 21 by fifty percent or more of the voters and landowners within the territory. In the event  
 22 there are no voters living within such territory proposed to be detached, then the petition  
 23 may be submitted by owners of more than fifty percent of the land in the territory  
 24 proposed to be detached, in which case said petition shall be signed by the owners  
 25 submitting the petition. In the event the petition is not submitted by the district acting  
 26 through its board of directors, the petitioner shall name the district as a defendant and  
 27 serve a copy of the petition upon the district by certified or registered mail with a return  
 28 receipt requested at least thirty-five days before the date of the hearing of the petition.

29       2. Such petition shall be filed in the circuit court having jurisdiction and the court  
 30 shall set a date for hearing on the proposed detachment and the clerk of the circuit court  
 31 shall give notice of the filing of the petition and the hearing to the district by certified or  
 32 registered mail with a return receipt requested if the district is not the petitioner, and in  
 33 a newspaper of general circulation in the county in which the proceedings are pending and  
 34 in a newspaper of general circulation in the territory proposed to be detached. Such notice  
 35 shall be published in three consecutive issues of a weekly newspaper, or in lieu thereof, in  
 36 twenty consecutive issues of a daily newspaper. The last insertion of the notice shall be  
 37 made not less than seven nor more than twenty-one days before the hearing date. Such  
 38 notice shall be substantially as follows:

39  
 40 **IN THE CIRCUIT COURT OF .....COUNTY, MISSOURI**  
 41 **NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT**  
 42 **FROM SEWER DISTRICT ..... OF ..... COUNTY, MISSOURI.**

43       **To all voters and landowners of land within the boundaries of the above-described**  
 44 **district:**

45       **You are hereby notified:**

46       **1. That a petition has been filed in this court for the detachment of the following**  
 47 **tracts of land from the above-named sewer district, as provided by law: (Describe tracts**  
 48 **of land).**

49       **2. That a hearing on said petition will be held before this court in ..... on the ..... day**  
 50 **of ....., 20 ..., at ....., ....m.**

51       **3. Exceptions or objections to the detachment of said tracts from said sewer district**  
 52 **may be made by the district or any voter or landowner of land within the district from**

53 which territory is sought to be detached, provided such exceptions or objections are in  
54 writing, specify the grounds on which they are made, and are filed with the court not later  
55 than five days prior to the date of the hearing of the petition.

56 4. The names and addresses of the attorneys for the petitioner are:

57 .....  
58 Clerk of the Circuit Court of  
59 ..... County, Missouri  
60

61 3. The court, for good cause shown, may continue the case or the hearing thereon  
62 from time to time until final disposition thereof.

63 4. Exceptions or objections to the detachment of such territory may be made by any  
64 voter or landowner within the boundaries of the district, including the territory to be  
65 detached. In the event the petition is not submitted by the district acting through its board  
66 of directors, the district may file exceptions or objections. Exceptions or objections shall  
67 be in writing, shall specify the grounds upon which they are made, and shall be filed not  
68 later than five days before the date set for hearing the petition. In considering the petition  
69 for detachment, the court shall take into consideration the evidence in support of and  
70 opposition to the petition, including such exceptions and objections. If the court finds that  
71 the detachment will be in the best interest of the district and the inhabitants and  
72 landowners of the area to be detached will not be adversely affected or if the court finds  
73 that the detachment will be in the best interest of the inhabitants and landowners of the  
74 territory to be detached and will not adversely affect the remainder of the district, it shall  
75 approve the detachment and grant the petition.

76 5. If the court approves the detachment, it shall make its order detaching the  
77 territory described in the petition from the remainder of the district, or in the event it shall  
78 find that only a portion of said territory should be detached, the court shall order such  
79 portion detached from the district. The court shall also make any changes in subdistrict  
80 boundary lines it deems necessary to meet the requirements of sections 249.761 to 249.810.  
81 Any subdistrict line changes shall not become effective until the next annual election of a  
82 member of the board of directors.

83 6. A certified copy of the court's order shall be filed in the office of the recorder of  
84 deeds and in the office of the county clerk in each county in which any of the territory of  
85 the district prior to detachment is located, and in the office of the secretary of state. Costs  
86 of the proceeding shall be borne by the petitioner or petitioners.

249.1120. 1. In any consolidated sewer district organized under sections 249.1100  
2 to 249.1118, territory included in the district that is not being served by the district may

3 be detached from the district provided that there are no outstanding general obligation or  
4 special obligation bonds and no contractual obligations of greater than twenty-five  
5 thousand dollars for debt that pertains to infrastructure, fixed assets, or obligations for the  
6 purchase of water. If any such bonds or debt is outstanding, and the written consent of the  
7 holders of such bonds or the creditors to such debt is obtained, then such territory may be  
8 detached in spite of the existence of such bonds or debt, except such consent shall not be  
9 required for special obligation bonds if the district has no water or sewer lines or other  
10 facilities located within any of the territory detached. Detachment may be made by the  
11 filing of a petition with the circuit court in which the district was incorporated. The  
12 petition shall contain a description of the tract to be detached and a statement that the  
13 detachment is in the best interest of the district or the inhabitants and property owners of  
14 the territory to be detached, together with the facts supporting such allegation. The  
15 petition may be submitted by the district acting through its board of directors, in which  
16 case the petition shall be signed by a majority of the board of directors of the district. The  
17 petition may also be submitted by voters residing in or by landowners owning land in the  
18 territory sought to be detached. If there are more than ten voters and landowners in such  
19 territory, the petition shall be signed by five or more voters or landowners within the  
20 territory; if there are less than ten voters and landowners within such territory, the petition  
21 shall be signed by fifty percent or more of the voters and landowners within the territory.  
22 In the event there are no voters living within such territory proposed to be detached, then  
23 the petition may be submitted by owners of more than fifty percent of the land in the  
24 territory proposed to be detached, in which case said petition shall be signed by the owners  
25 submitting the petition. In the event the petition is not submitted by the district acting  
26 through its board of directors, the petitioner shall name the district as a defendant and  
27 serve a copy of the petition upon the district by certified or registered mail with a return  
28 receipt requested at least thirty-five days before the date of the hearing of the petition.

29       2. Such petition shall be filed in the circuit court having jurisdiction and the court  
30 shall set a date for hearing on the proposed detachment and the clerk of the circuit court  
31 shall give notice of the filing of the petition and the hearing to the district by certified or  
32 registered mail with a return receipt requested if the district is not the petitioner, and in  
33 a newspaper of general circulation in the county in which the proceedings are pending and  
34 in a newspaper of general circulation in the territory proposed to be detached. Such notice  
35 shall be published in three consecutive issues of a weekly newspaper, or in lieu thereof, in  
36 twenty consecutive issues of a daily newspaper. The last insertion of the notice shall be  
37 made not less than seven nor more than twenty-one days before the hearing date. Such  
38 notice shall be substantially as follows:

39

40 **IN THE CIRCUIT COURT OF .....COUNTY, MISSOURI**  
 41 **NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL DETACHMENT**  
 42 **FROM CONSOLIDATED SEWER DISTRICT ..... OF ..... COUNTY,**  
 43 **MISSOURI.**

44 **To all voters and landowners of land within the boundaries of the above-described**  
 45 **district:**

46 **You are hereby notified:**

47 **1. That a petition has been filed in this court for the detachment of the following**  
 48 **tracts of land from the above-named consolidated sewer district, as provided by law:**  
 49 **(Describe tracts of land).**

50 **2. That a hearing on said petition will be held before this court in ..... on the ..... day**  
 51 **of ....., 20 ..., at ....., ...m.**

52 **3. Exceptions or objections to the detachment of said tracts from said consolidated**  
 53 **sewer district may be made by the district or any voter or landowner of land within the**  
 54 **district from which territory is sought to be detached, provided such exceptions or**  
 55 **objections are in writing, specify the grounds on which they are made, and are filed with**  
 56 **the court not later than five days prior to the date of the hearing of the petition.**

57 **4. The names and addresses of the attorneys for the petitioner are:**

58 .....  
 59 **Clerk of the Circuit Court of**  
 60 **..... County, Missouri**

61  
 62 **3. The court, for good cause shown, may continue the case or the hearing thereon**  
 63 **from time to time until final disposition thereof.**

64 **4. Exceptions or objections to the detachment of such territory may be made by any**  
 65 **voter or landowner within the boundaries of the district, including the territory to be**  
 66 **detached. In the event the petition is not submitted by the district acting through its board**  
 67 **of directors, the district may file exceptions or objections. Exceptions or objections shall**  
 68 **be in writing, shall specify the grounds upon which they are made, and shall be filed not**  
 69 **later than five days before the date set for hearing the petition. In considering the petition**  
 70 **for detachment, the court shall take into consideration the evidence in support of and**  
 71 **opposition to the petition, including such exceptions and objections. If the court finds that**  
 72 **the detachment will be in the best interest of the district and the inhabitants and**  
 73 **landowners of the area to be detached will not be adversely affected or if the court finds**  
 74 **that the detachment will be in the best interest of the inhabitants and landowners of the**

75 **territory to be detached and will not adversely affect the remainder of the district, it shall**  
76 **approve the detachment and grant the petition.**

77 **5. If the court approves the detachment, it shall make its order detaching the**  
78 **territory described in the petition from the remainder of the district, or in the event it shall**  
79 **find that only a portion of said territory should be detached, the court shall order such**  
80 **portion detached from the district. The court shall also make any changes in subdistrict**  
81 **boundary lines it deems necessary to meet the requirements of sections 249.1100 to**  
82 **249.1118. Any subdistrict line changes shall not become effective until the next annual**  
83 **election of a member of the board of directors.**

84 **6. A certified copy of the court's order shall be filed in the office of the recorder of**  
85 **deeds and in the office of the county clerk in each county in which any of the territory of**  
86 **the district prior to detachment is located, and in the office of the secretary of state. Costs**  
87 **of the proceeding shall be borne by the petitioner or petitioners.**

321.322. 1. If any property located within the boundaries of a fire protection district  
2 shall be included within a city having a population of at least two thousand five hundred but not  
3 more than sixty-five thousand which is not wholly within the fire protection district and which  
4 maintains a city fire department, then upon the date of actual inclusion of the property within the  
5 city, as determined by the annexation process, the city shall within sixty days assume by contract  
6 with the fire protection district all responsibility for payment in a lump sum or in installments  
7 an amount mutually agreed upon by the fire protection district and the city for the city to cover  
8 all obligations of the fire protection district to the area included within the city, and thereupon  
9 the fire protection district shall convey to the city the title, free and clear of all liens or  
10 encumbrances of any kind or nature, any such tangible real and personal property of the fire  
11 protection district as may be agreed upon, which is located within the part of the fire protection  
12 district located within the corporate limits of the city with full power in the city to use and  
13 dispose of such tangible real and personal property as the city deems best in the public interest,  
14 and the fire protection district shall no longer levy and collect any tax upon the property included  
15 within the corporate limits of the city; except that, if the city and the fire protection district  
16 cannot mutually agree to such an arrangement, then the city shall assume responsibility for fire  
17 protection in the annexed area on or before January first of the third calendar year following the  
18 actual inclusion of the property within the city, as determined by the annexation process, and  
19 furthermore the fire protection district shall not levy and collect any tax upon that property  
20 included within the corporate limits of the city after the date of inclusion of that property:

21 (1) On or before January first of the second calendar year occurring after the date on  
22 which the property was included within the city, the city shall pay to the fire protection district  
23 a fee equal to the amount of revenue which would have been generated during the previous

24 calendar year by the fire protection district tax on the property in the area annexed which was  
25 formerly a part of the fire protection district;

26 (2) On or before January first of the third calendar year occurring after the date on which  
27 the property was included within the city, the city shall pay to the fire protection district a fee  
28 equal to four-fifths of the amount of revenue which would have been generated during the  
29 previous calendar year by the fire protection district tax on the property in the area annexed  
30 which was formerly a part of the fire protection district;

31 (3) On or before January first of the fourth calendar year occurring after the date on  
32 which the property was included within the city, the city shall pay to the fire protection district  
33 a fee equal to three-fifths of the amount of revenue which would have been generated during the  
34 previous calendar year by the fire protection district tax on the property in the area annexed  
35 which was formerly a part of the fire protection district;

36 (4) On or before January first of the fifth calendar year occurring after the date on which  
37 the property was included within the city, the city shall pay to the fire protection district a fee  
38 equal to two-fifths of the amount of revenue which would have been generated during the  
39 previous calendar year by the fire protection district tax on the property in the area annexed  
40 which was formerly a part of the fire protection district; and

41 (5) On or before January first of the sixth calendar year occurring after the date on which  
42 the property was included within the city, the city shall pay to the fire protection district a fee  
43 equal to one-fifth of the amount of revenue which would have been generated during the  
44 previous calendar year by the fire protection district tax on the property in the area annexed  
45 which was formerly a part of the fire protection district.

46

47 Nothing contained in this section shall prohibit the ability of a city to negotiate contracts with  
48 a fire protection district for mutually agreeable services. This section shall also apply to those  
49 fire protection districts and cities which have not reached agreement on overlapping boundaries  
50 previous to August 28, 1990. Such fire protection districts and cities shall be treated as though  
51 inclusion of the annexed area took place on December thirty-first immediately following August  
52 28, 1990.

53 2. Any property excluded from a fire protection district by reason of subsection 1 of this  
54 section shall be subject to the provisions of section 321.330.

55 3. The provisions of this section shall not apply in any county of the first class having  
56 a charter form of government and having a population of over nine hundred thousand inhabitants.

57 4. The provisions of this section shall not apply where the annexing city or town operates  
58 a city fire department, is any city of the third classification with more than six thousand but fewer  
59 than seven thousand inhabitants and located in any county with a charter form of government and

60 with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants,  
61 and is entirely surrounded by a single fire protection district. In such cases, the provision of fire  
62 and emergency medical services following annexation shall be governed by subsections 2, **4 and**  
63 **6** [and 3] of section 72.418.

473.730. 1. Every county in this state, except the City of St. Louis, shall elect a public  
2 administrator at the general election in the year 1880, and every four years thereafter, who shall  
3 be ex officio public guardian and conservator in and for the public administrator's county. A  
4 candidate for public administrator shall be at least twenty-one years of age and a resident of the  
5 state of Missouri and the county in which he or she is a candidate for at least one year prior to  
6 the date of the general election for such office. The candidate shall also be a registered voter and  
7 shall be current in the payment of all personal and business taxes. Before entering on the duties  
8 of the public administrator's office, the public administrator shall take the oath required by the  
9 constitution, and enter into bond to the state of Missouri in a sum not less than ten thousand  
10 dollars, with two or more securities, approved by the court and conditioned that the public  
11 administrator will faithfully discharge all the duties of the public administrator's office, which  
12 bond shall be given and oath of office taken on or before the first day of January following the  
13 public administrator's election, and it shall be the duty of the judge of the court to require the  
14 public administrator to make a statement annually, under oath, of the amount of property in the  
15 public administrator's hands or under the public administrator's control as such administrator, for  
16 the purpose of ascertaining the amount of bond necessary to secure such property; and such court  
17 may from time to time, as occasion shall require, demand additional security of such  
18 administrator, and, in default of giving the same within twenty days after such demand, may  
19 remove the administrator and appoint another.

20 2. The public administrator in all counties, in the performance of the duties required by  
21 chapters 473, 474, and 475, is a public officer. The duties specified by section 475.120 are  
22 discretionary. The county shall defend and indemnify the public administrator against any  
23 alleged breach of duty, provided that any such alleged breach of duty arose out of an act or  
24 omission occurring within the scope of duty or employment.

25 3. After January 1, 2001, all salaried public administrators shall be considered county  
26 officials for purposes of section 50.333, subject to the minimum salary requirements set forth in  
27 section 473.742.

28 **4. If a vacancy shall occur in any county that has not adopted a charter form of**  
29 **government and in the office of an elected public administrator, then the governor shall,**  
30 **no later than sixty days after the occurrence of such vacancy, appoint a person to fill the**  
31 **vacancy subject to the advice and consent of the senate. The process will be subject to the**

32 **procedures for advice and consent under article IV, section 51 of the Constitution of**  
33 **Missouri.**

34 [4] 5. The public administrator for the city of St. Louis shall be appointed by a majority  
35 of the circuit judges and associate circuit judges of the twenty-second judicial circuit, en banc.  
36 Such public administrator shall meet the same qualifications and requirements specified in  
37 subsection 1 of this section for elected public administrators. The elected public administrator  
38 holding office on August 28, 2013, shall continue to hold such office for the remainder of his or  
39 her term.

483.020. When any vacancy shall occur in the office of any circuit clerk so elected, by  
2 death, resignation, removal, refusal to act or otherwise, it shall be the duty of the governor in the  
3 case of an elected clerk to fill such vacancy, **no later than sixty days after it occurs**, by  
4 appointing some eligible person to said office, **by and with the advice and consent of the**  
5 **senate subject to the provisions of article IV, section 51 of the Constitution of Missouri**,  
6 who shall discharge the duties thereof until the next general election, at which time a clerk shall  
7 be chosen for the remainder of the term, who shall hold [his] **such** office until [his] a successor  
8 is duly elected and qualified, unless sooner removed. **This section shall not apply to any**  
9 **county that has adopted a charter for its own government under article VI, section 18 of**  
10 **the Constitution of Missouri.**

Section B. Because immediate action is necessary to ensure that all vacant public offices  
2 are filled in a timely manner, the enactment of sections 49.060, 51.090, 52.145, 53.010, 54.033,  
3 55.050, 58.040, 59.022, 105.030, 473.730, and 483.020 of section A of this act are deemed  
4 necessary for the immediate preservation of the public health, welfare, peace, and safety, and are  
5 hereby declared to be an emergency act within the meaning of the constitution, and the enactment  
6 of sections 49.060, 51.090, 52.145, 53.010, 54.033, 55.050, 58.040, 59.022, 105.030, 473.730,  
7 and 483.020 of section A of this act shall be in full force and effect upon its passage and  
8 approval.

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